

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAS VEGAS GREEN CHAMBER OF
COMMERCE,

2:11-CV-1605 JCM (PAL)

Plaintiff,

V.

WARD 5 CHAMBER OF
COMMERCE, LAS VEGAS,

Defendant.

ORDER

Presently before the court is plaintiff Las Vegas Green Chamber of Commerce’s (“LVGCC”) motion for sanctions. Defendant Ward 5 Chamber of Commerce, Las Vegas (“Ward 5”) has failed to file a response.

20 LVGCC seeks sanctions pursuant to Local Rule IA 4-1, which provides that the court may,
21 “after notice and opportunity to be heard, impose any and all appropriate sanctions on an attorney
22 or party appearing *in pro se* who, without just cause . . . (c) [f]ails to comply with [the local rules];
23 or (d) [f]ails to comply with any order of this court.” LVGCC does not identify a local rule or court
24 order that Ward 5 has disregarded. Instead, LVGCC’s chief complaint is that Ward 5’s
25 communications with LVGCC have been less than adequate and that Ward 5’s behavior by not
26 properly defending this lawsuit has resulted in LVGCC’s having to pay additional attorney fees
27 “simply to obtain . . . a legally acceptable response to LVGC’s complaint.” Mot. Sanc. 5:6-7.

1 This court does not find sanctions appropriate. While it is true that Ward 5 filed its answer
2 pro se, and this court struck that answer because corporations may appear in federal court only
3 through licensed counsel, *see* doc. #19, the court does not find that Ward 5 has failed to comply with
4 a court order. This court’s only order relating to Ward 5 directed it to “retain counsel if *it wishes to*
5 continue to litigate this matter.” *Id.* at 2:12. Ward 5 apparently did not wish to litigate this matter,
6 failed to retain counsel, and default was entered against it. Doc. #22, Clerk’s Entry of Default.

7 While LVGCC believes Ward 5’s machinations were motivated by a desire to cause LVGCC
8 to extinguish its coffers and disrupt its regular course of business by becoming mired in this
9 litigation, the court is not persuaded. Rather, it is more likely that the entities controlling Ward 5
10 were unaware of the procedural requirements in federal court and believed they could personally
11 defend the action. When they learned they could not, they chose to default, rather than hire an
12 attorney. Furthermore, these proceedings have not entailed significant or complicated motion
13 practice. Sanctions are not appropriate.

14 | Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for sanctions (doc. #21) be, and the same hereby is, DENIED.

17 DATED February 22, 2012.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE